IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 33113 of 2004(P)

PETITIONER:

MATHEW JOSEPH, S/O. M.J. JOSEPH,
SENIOR LECTURER, DIET, MALAPPURAM.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY ITS SECRETARY TO GOVERNMENT,
DEPARTMENT OF COLLEGIATE EDUCATION,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. KERALA PUBLIC SERVICE COMMISSION,
REP. BY ITS SECRETARY, OFFICE OF THE
KERALA PUBLIC SERVICE COMMISSION, PATTOM,
THIRUVANANTHAPURAM.

3. BABU C.K.,
CHANGARAKANDY, AKKOL P.O., KAVILAMPARA VIA.,
KOZHIKODE DISTRICT.

4. SURESH KUMAR R.,
HIGHER SECONDARY SCHOOL TEACHER, K.V. S.H.S.S.,
MUTHUKULAM.

BY ADV. SRI.ALEXANDER THOMAS, SC, KPSC
DR.K.P.KYLASANATHA PILLAY
SRI.ARUN.B.VARGHESE
SMT.SREEDEVI KYLASANATH
SRI.T.P.DEYANANTHAN
GOVT. PLEADER, SRI.PUZHAKKARA MOHANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.33113/2004

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE MEMORANDUM OF MARK CARD ISSUED BY THE UNIVERSITY OF CALICUT BEARING NO.EB IV/3/98 DATED 26.8.98.

EXT. P2: COPY OF THE P.G.CERTIFICATE ISSUED BY THE UNIVRSITY OF CALICUT DATED 22.7.97, TO THE PETITIONER.

EXT. P3: COPY OF THE M.ED. DEGREE CERTIFICATE ISSUED BY THE UNIVERSITY OF CALICUT TO THE PETITIONER.

EXT. P4: COPY OF MEMORANDUM OF MARK CARD DETAILING THE MARKS OBTAINED BY THE PETITIONER FOR M.ED.

EXT. P5: COPY OF THE CERTIFICATE ISSUED BY THE UGC, DETAILING THE PASSING OF THE PETITIONER IN NATIONAL EDUCATIONAL TEST.

EXT. P6: COPY OF THE ENROLLMENT CERTIFICATE ISSUED BY THE INDIRA GANDHI NATIONAL OPEN UNIVERSITY, DETAILING THE PASSING OF POST GRADUATE DIPLOMA IN GRADUATE EDUCATION BY THE PETITIONER.

EXT. P7: COPY OF THE CERTIFICATE ISSUED BY THE INDIRA GANDHI NATIONAL OPEN UNIVERSITY, DECLARING THE SUCCESSFUL COMPLETION OF 'DIPLOMA IN DISTANCE EDUCATION' BY THE PETITIONER.

EXT. P8: COPY OF THE CERTIFICATE OF ADULT EDUCATION IN THE YEAR 1995 FROM SIVAJI UNIVERSITY.

EXT. P9: COPY OF THE CERTIFICATE ISSUED BY THE INDIRA GANDHI NATIONAL OPEN UNIVERSITY AWARDING THE DEGREE OF MASTER OF ARTS IN DISTANCE EDUCATION TO THE PETITIONER.

EXT. P10: COPY OF THE MARK LIST ISSUED BY THE UNIVERSITY OF CALICUT, DETAILING THE MARKS OBTAINED BY THE PETITIONER FOR MA (POLITICS).

EXT. P11: COPY OF THE CERTIFICATE IN GUIDANCE FROM INDIRA GANDHI NATIONAL OPEN UNIVERSITY IN THE YEAR 2000, TO THE PETITIONER.

EXT. P12: COPY OF THE NOTIFICATION BEARING NO. R & A1(3) 32303/01/GW DATED 7.11.2001 PUBLISHED BY THE 2ND RESPONDENT.

EXT. P13: COPY OF THE REGULATIONS RELATING TO QUALIFICATIONS OF TEACHERS UNDER THE UNIVERSITY OF KERALA, THE QUALIFICATION PRESCRIBED TO THE LECTURER IN EDUCATION (SOCIAL STUDIES).

EXT. P14: COPY OF THE REPRESENTATION DATED 3.3.2004 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

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EXT. P15: COPY OF THE NEWS ITEM APPEARED IN THE PSC BULLETTIN DATED 1.10.2004 DETAILING THE RESULT OF THE INTERVIEW OF LECTURER IN SOCIAL STUDIES.

RESPONDENT'S EXHIBITS:

EXT. R2(A): COPY OF THE LETTER ISSUED BY THE COLLEGIATE EDUCATION DATED 14/10/2003.

EXT. R4(A): COPY OF THE CERTIFICATES OF THE 4TH RESPONDENT IN THE MASTER DEGREES IN HISTORY, MASTER DEGREE IN EDUCATION, AND NET IN EDUCATION.

EXT. R4(B)SERIES: COPIES OF THE CERTIFICATES SHOWING THE TEACHING EXPERIENCE OF THE 4TH RESPONDENTS IN VARIOUS INSTITU TIONS.

EXT. R4(C): COPY OF THE REPRESENTATION DATED 20/12/2004 SUBMITTED BY THE 4TH RESPONDENT TO THE 1ST RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

JP

KURIAN JOSEPH J.

Writ Petition (Civil) No.33113 of 2004

Dated 22nd November, 2007.

J U D G M E N T

Petitioner is aggrieved since he is not permitted to participate in the interview for appointment to the post of Lecturer (Social Studies) in Training colleges. It is seen from the counter affidavit that the petitioner is not qualified. The contention of the petitioner is that though he does not have the required 55% marks in M.A.(Economics), he has more than 55% marks in M.A. (Sociology). But, M.A.(Sociology) is not an equivalent qualification for appointment to the post of Lecturer (Social Studies) in Training colleges. The equivalent qualification, as stated in the counter affidavit of the Commission at paragraph 6 is, Masters degree in History, Economics, Geography or Politics. In view of the stand thus taken in the counter affidavit, in case the petitioner has still any grievance left, he may approach the first respondent.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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